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C O N F I D E N T I A L SECTION 01 OF 02 MANAMA 001175

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TAGS: [ELAB](#) [PGOV](#) [PREL](#) [BA](#) [HUMRIT](#) [POL](#) [REFORM](#)  
SUBJECT: BAHRAINI LABOR UNION LEGISLATION MOVES THROUGH  
PARLIAMENT

Classified By: A/DCM Steve Bondy for reasons 1.4 (b) and (d).

¶1. (SBU) Several pieces of labor reform legislation dealing with union activity and the formation of unions and union federations are moving through the Bahraini legislative process. One amendment to the 1976 labor law for the private sector protects union members from dismissal for union activities by requiring "the reinstatement of the dismissed worker if it is established to the court that he was dismissed due to his trade union activities." A second amendment to the same 1976 law provides for additional compensation to workers whose wages are delayed. For the first six months the employer is required to pay 6% interest on the delayed wages and for each additional month the percentage increases by 1% to a maximum of 12% annually. These two pieces of legislation have passed both the Council of Representatives (COR) and the Shura (Consultative) Council and have been forwarded back to the Cabinet for final signature and enactment, which should come shortly.

¶2. (SBU) The third piece of legislation is an amendment to the 2002 Workers Trade Unions Law and includes articles related to multiple trade union federations, compensation to workers discriminated against for union activities, and guidelines for strikes. The amendment has passed the COR and is currently being considered by the Shura. It allows any two unions to establish a federation, but a union may not be a member of more than one federation. It specifies, however, that workers will be represented in international fora and in collective bargaining at the national level by the federation that has the largest number of individual members. The Minister of Labor will perform a periodic review to determine which federation qualifies as such. The amendment also provides for not less than twice and not more than six times a worker's monthly salary for compensation when it is determined the worker has been discriminated against for union activities.

¶3. (SBU) Regarding strike guidelines, this amendment specifies that the decision to strike can be taken by a simple majority of union members attending an "extraordinary general assembly," but the employer must be notified at least 15 days before the strike is to commence. The start of a strike results in the suspension of the labor contract, but the contract may not be "terminated except in cases of gross wrongdoing." Work stoppages may not occur while attempts at dispute resolution through arbitration are in progress. Strikes are not permitted at any facility deemed by the Prime Minister to be a "vital installation" where a strike would harm national security or disrupt the lives of citizens.

Disputes at these "vital installations" shall be resolved through arbitration.

14. (SBU) A fourth piece of legislation allowing for more than one union in a single business enterprise has been shelved for this legislative session, which runs out at the end of July. The earliest it can be brought up for further debate is during the next legislative session, following the fall 2006 elections. Ironically, the discussion of this law attracted much opposition from the General Federation of Bahrain Trade Unions (GFBTU), currently the only union federation, which viewed the law as a GOB attempt at diffusing the GFBTU's influence. GFBTU assistant general secretary Sayed Salman Al Mahfoodh stated publicly in March

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that, because unions are relatively new in Bahrain and most unions consist of only 150-300 members, the existence of more than one union in a company wastes energy and may confuse workers. He said that unions should concentrate on providing services to and protecting workers instead of competing against one another for membership.

15. (C) Comment: These new pieces of legislation continue the steps toward greater worker protection, building upon legislation implemented in February that required the reinstatement of any employee who had been dismissed for union activities. The GFBTU, as expected, has been supportive of all legislation that protects workers, but it has been vocal in its opposition to any laws that cut into its own power base. We will report any further developments on these pieces of legislation.

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